

Reply to Office Action dated February 5, 2007

**REMARKS**

Claims 1, 3-19, 21-24 and 26-27 are pending in this application. By this Amendment, FIGs. 4, 7 and 8 and claims 1, 3, 8, 19 and 23 are amended, new claims 26-27 are added and claims 2, 20 and 25 are canceled without prejudice or disclaimer. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 1-2, 4-8, 10-25 under 35 U.S.C. §102(e) by U.S. Patent No. 6,944,178 to Charriere et al. (hereafter Charriere). The Office Action also rejects claims 3 and 9 under 35 U.S.C. §103(a) over Charriere in view of U.S. Patent Publication No. 2002/0085531 to Herrmann et al. (hereafter Herrmann). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving information corresponding to a data amount of a buffer and a characteristic of data to be transmitted from a plurality of logical channels, and selecting data to transmit from one of the plurality of logical channels based at least on the data characteristic of each channel, wherein the data characteristic used to select data from one of the channels represents whether re-transmission data exists for a specific logical channel.

The applied references do not teach or suggest at least these features of independent claim 1. More specifically, Charriere does not teach or suggest selecting data to transmit from one of the plurality of channels based at least on a data characteristic, wherein the data characteristic used to select data from one of the channels represents whether re-transmission data exists for a specific logical channel. The Office Action generally cites the entire specification

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of Charriere for features relating to the data characteristic representing whether re-transmission data exists for a specific logical channel. However, Charriere merely discloses transmitting buffer status and prioritizing based on a most high priority status. However, Charriere makes no mention of retransmission data. Charrier has no suggestion for the data characteristic used to select data from one of the channels represents whether re-transmission data exists for a specific logical channel. Accordingly, Charrier does not teach or suggest all the features of independent claim 1. Herrmann does not teach or suggest the features of independent claim 1 missing from Charrier. Thus, independent claim 1 defines patentable subject matter.

Independent claim 8 recites selecting data to transmit from one of the plurality of channels based at least on the data characteristic of each channel. Independent claim 8 also recites that selecting the data comprises judging whether a logical channel includes re-transmission data, and selecting one of the logical channels based on priority of the logical channel that includes the re-transmission data.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 8. Thus, independent claim 8 defines patentable subject matter.

Independent claim 11 recites selecting data of a specific logical channel based on priorities of logical channels and whether re-transmission data exists for each logical channel.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 11. Thus, independent claim 11 defines patentable subject matter.

Independent claim 19 recites selecting one of the logical channels based at least on the data characteristics of each of the logical channels, wherein the data characteristics represent whether re-transmission data exists for a specific logical channel. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 19. Thus, independent claim 19 defines patentable subject matter.

Independent claim 23 recites a transport channel to select one of the logical channels based at least on the data characteristic of the selected logical channel, wherein the transport channel judges whether the logical channels include re-transmission data and the transport channel selects one of the logical channels based on priorities of the logical channels that include the re-transmission data. For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 23. Thus, independent claim 23 defines patentable subject matter.

Accordingly, each of independent claims 1, 8, 11, 19 and 23 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

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Docket No. **P-0592**

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3-19, 21-24 and 26-27 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,



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ANNOTATED SHEET

FIG. 4  
RELATED ART

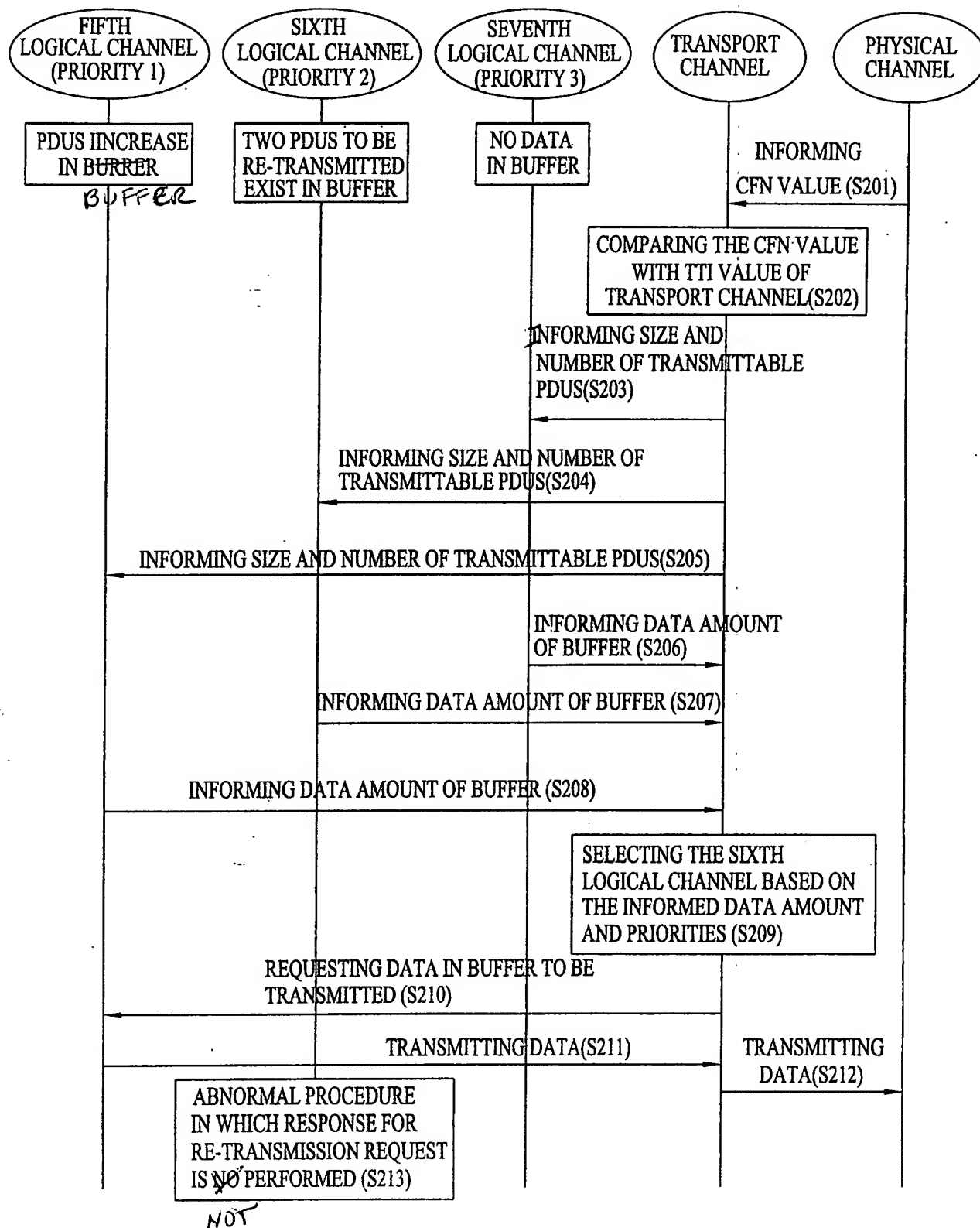


FIG. 7

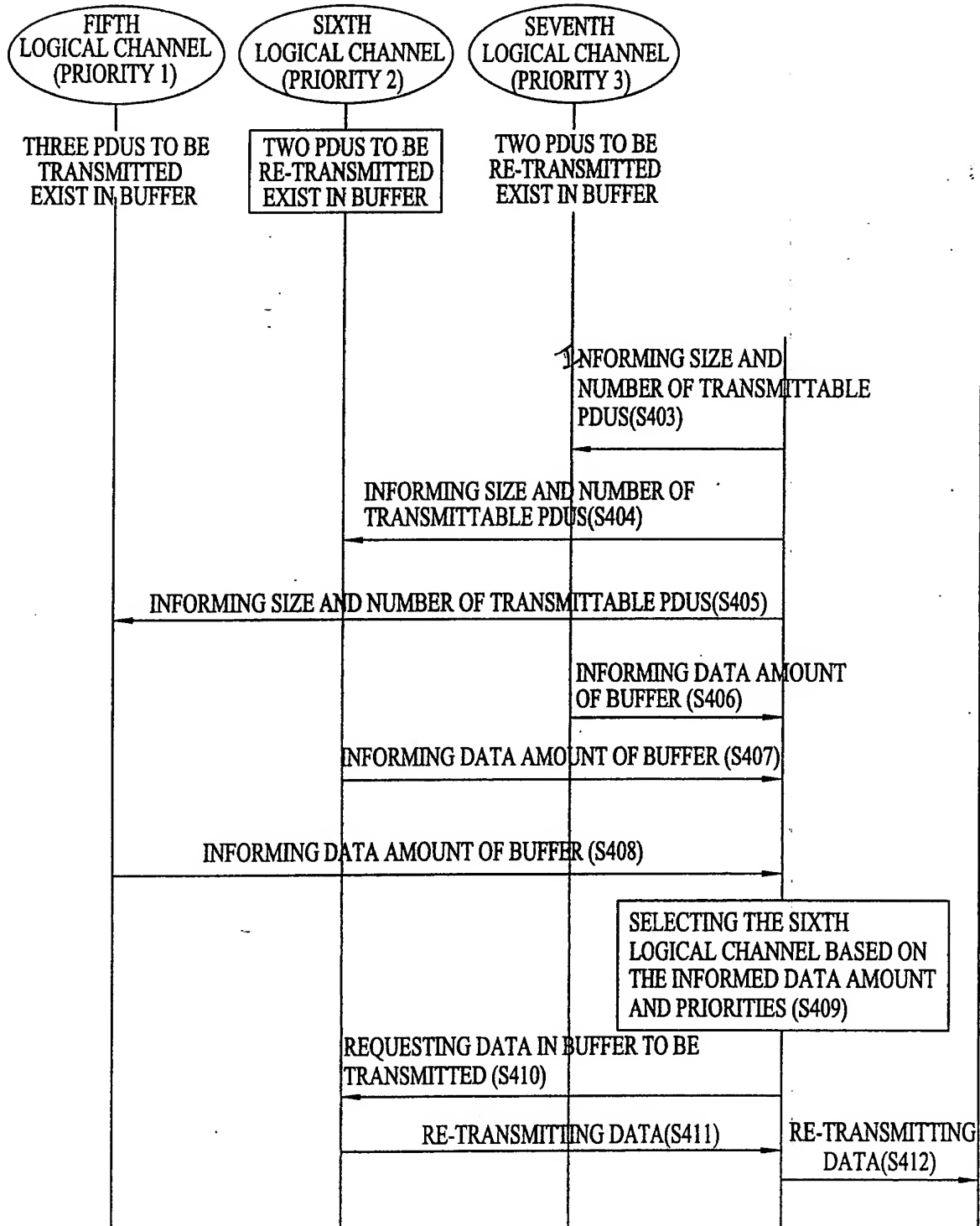


FIG. 8

